



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Private Acts of 1953 Chapter 19

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1953 Chapter 19

SECTION 1. That in all counties of the State having a population of not less than 23,300 and not more than 23,325 according to the Federal Census of 1950, or any subsequent Federal Census, the County Superintendent of Schools shall be elected by popular vote, by the qualified voters of such Counties at the general election in August, 1954, and every four years thereafter, to serve for a term of four years from and after the 1st day of the following September, and until a successor is elected and qualified; provided, however, that if this Act applies to Hardeman County, Ben Ward Carr, who possesses the qualifications for such office under the general laws, is hereby designated and appointed to fill the office of County Superintendent of Schools in said County till the 31st day of August, 1954, and until his successor is elected and qualified; that the qualifications, duties and powers of any County Superintendent of Schools elected under this Act or appointed and designated under this Act to serve till the 31st day of August, 1954, shall be the same as now or may hereafter be provided by general laws, including any requirements made by the County Board of Education in such counties, pursuant to general law. Candidates for the office of County Superintendent of Schools in any County to which this Act applies may have his or her name placed on the official ballot in any general County election at which the County Superintendent of Schools is to be elected, pursuant to the provisions of this Act, in the same manner and at the same time as provided by law for candidates for other county offices, provided, however, that before the County Board of Election Commissioners shall place the name of any candidate for County Superintendent of Schools upon the official ballot to be voted in such elections pursuant to this Act, said Board shall satisfy itself that the candidate is properly certified according to the general laws to hold such office, and said candidate shall have exhibited to the Chairman and Secretary of said Board a proper certificate issued to such candidate by the Commissioner of the State Department of Education, as provided by the general laws, covering the period for which the office is to be filled at that election, which shall be sufficient evidence of said candidate's qualifications for such office. In the event of a vacancy in the office of County Superintendent of Schools in such counties, the same shall be filled by the election by the members of the Quarterly County Court of such county, of a successor, possessing such qualifications, who shall serve until the next general county election in August thereafter, and until his successor is elected and qualified.

SECTION 2. That in addition to the regular duties as prescribed by law for said County Superintendent of Schools, it shall be his duty to nominate persons for employment as teachers in the public schools of his county by the County Board of Education, and the County Board of Education may approve or reject such nominations, and in the event of rejection, he shall nominate other persons for such employment until said Board shall have approved a sufficient number to fill the positions of teachers in all public schools of said County.

SECTION 3. That the compensation of any County Superintendent of Schools serving under this Act shall be the sum prescribed by the salary scale set by the State Department of Education which shall be paid in equal monthly installments by the County and/or as provided by general law, upon proper warrants drawn on and out of funds that are now or may hereafter be provided by law.

SECTION 4. That the County Superintendent of Schools shall be allowed to employ a Clerk, who shall be paid a maximum salary of Twenty-four Hundred Dollars per annum, to be paid in equal monthly installments out of the elementary and high school funds as provided by law, the appointment of such Clerk to be made upon nomination of said County Superintendent of Schools and with the approval of the County Board of Education.

SECTION 5. That if any section, paragraph, clause or portion of this Act shall be declared unconstitutional or invalid, the same is hereby declared to be severable, and shall not affect the remaining portions of this Act, as the same would have been enacted, if such unconstitutional or invalid section, paragraph, clause or portion had not been included herein.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 18, 1953.

COMPILER'S NOTE: The constitutional validity of this act was upheld by the Tennessee Supreme Court in *Carr v. State, ex rel. Armour*, 196 Tenn. 256, 265 S.W.2d 556 (1954). The clause appointing Ben Ward Carr as an interim Superintendent pending the election of 1954 was stricken as violative of Article 11, Section 17, of the Constitution of Tennessee which prohibits the Legislature from creating an office that is filled otherwise than by the people or the County Court.

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